

16668. Adulteration and misbranding of olive oil. U. S. v. Thomas De Concilis. Plea of guilty. Fine and costs, \$100. (F. & D. No. 22580. I. S. No. 21029-x.)

On October 23, 1928, the United States attorney for the District of Rhode Island, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Thomas De Concilis, Providence, R. I., alleging shipment by said defendant, in violation of the food and drugs act as amended, on or about April 6, 1927, from the State of Rhode Island into the State of Massachusetts, of a quantity of olive oil which was adulterated and misbranded.

It was alleged in the information that the article was adulterated in that a substance, to wit, cottonseed oil, had been mixed and packed therewith so as to lower and reduce and injuriously affect its quality and strength and had been substituted in part for pure olive oil which the said article purported to be.

Misbranding was alleged for the reason that the statements, to wit, "Prodotti Italiani," "Olio Di Oliva," "Pure Olive Oil," "Sopraffino," "Lucca," "Toscana Italia," and "Net Contents 1 Gall.," together with the design and device of a woman draped in the Italian flag holding a shield bearing the Italian cross, borne on the cans containing the article, were false and misleading in that they represented that the article was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, in the Province of Tuscany, Italy, and that each of the cans contained 1 gallon of olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it was pure olive oil, that it was a foreign product, to wit, an olive oil produced in Lucca, Province of Tuscany, Italy, and that each of the said cans contained 1 gallon of olive oil, whereas the said article was not pure olive oil but was a product composed in large part of cottonseed oil, said article was not a foreign product, but was a domestic product, produced in the United States of America, and each of said cans contained less than 1 gallon net of olive oil. Misbranding was alleged for the further reason that the article was falsely branded as to the country in which it was manufactured and produced, in that it was a product manufactured and produced in whole and in part in the United States of America and was branded as manufactured and produced in the Kingdom of Italy. Misbranding was alleged for the further reason that the article was an imitation of olive oil and was offered for sale and sold under the distinctive name of another article, to wit, olive oil, and for the further reason that the statements, designs, and devices on the labels, purported the article to be a foreign product when not so. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On December 5, 1928, the defendant entered a plea of guilty to the information, and the court imposed a fine and costs totaling \$100.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16669. Adulteration of grapefruit and oranges. U. S. v. Gentile Bros. Co. Plea of guilty. Fine, \$25. (F. & D. No. 22552. I. S. Nos. 5787-x, 12494-x, 13897-x.)

On June 25, 1928, the United States attorney for the Southern District of Florida, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Gentile Bros. Co., a corporation, Orlando, Fla., alleging shipment by said company, in violation of the food and drugs act, in various consignments, on or about February 16, 1927, and April 16, 1927, respectively, from the State of Florida into the State of Ohio, of quantities of grapefruit and oranges, and on or about February 17, 1927, from the State of Florida into the State of Pennsylvania, of quantities of grapefruit which were adulterated. The articles were labeled in part, variously: "Rex Brand Superior Pack Grapefruit Rex Gentile Bros. Company, Orlando, Florida;" "Florida Arms Brand Ne Cede Malis Grape Fruit Oranges Gentile Bros. Co. Orlando, Florida;" "Grapefruit Florida Arms Brand Ne Cede Malis * * * B. G. Co., * * * Orlando, Florida;" "Pals Oranges and Grapefruit Trade Mark G Gen-Til-E * * * Gentile Bros. Co. Orlando, Fla."

It was alleged in substance in the information that the articles were adulterated in that a substance, to wit, decomposed and frost-damaged grapefruit and oranges, had been substituted in part for edible fruit which the articles

purported to be, in that grapefruit juice or orange juice, as the case might be, a valuable constituent of the articles, had been in part abstracted, and in that the articles consisted in part of decomposed vegetable substances.

On March 1, 1929, a plea of guilty to the information was entered on behalf of the defendant company, and the court imposed a fine of \$25.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16670. Misbranding of tomato catsup. U. S. v. 399 Cases, et al., of Tomato Catsup. Consent decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 23351. I. S. Nos. 02615, 02616. S. No. 1497.)

On January 28, 1929, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying seizure and condemnation of 998 cases of tomato catsup, remaining in the original unbroken packages at Pittsford, N. Y., alleging that the article had been shipped by the Mid-West Food Packers, Fowlerton, Ind., September 5, 1928, and transported from the State of Indiana into the State of New York, and charging misbranding in violation of the food and drugs act. The article was labeled in part: (Bottles) "Forman Catsup, Contents 8 Ounces (or "4 (14) Ounces") This Catsup Guaranteed To Be Absolutely Pure. No Preservative or Artificial Coloring. Put up by L. C. Forman & Son, Pittsford, N. Y."

It was alleged in the libel that the article was misbranded in that the statements "This catsup guaranteed to be absolutely pure" and "No * * * Artificial Coloring" were false and misleading and deceived and misled the purchaser.

On April 15, 1929, L. C. Forman & Sons (Inc), Pittsford, N. Y., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of costs and the execution of a bond in the sum of \$1,500, conditioned in part that it should not be sold or otherwise disposed of contrary to law. Authority was granted the claimant to relabel the product at Pittsford, N. Y., under the supervision of this department.

ARTHUR M. HYDE, *Secretary of Agriculture.*

16671. Adulteration and misbranding of butter. U. S. v. 10 Cases, et al., of Butter. Decrees of condemnation entered. Product released under bond. (F. & D. No. 23933. I. S. Nos. 07557, 07558, 07646. S. No. 2094.)

On June 20 and June 21, 1929, respectively, the United States attorney for the Northern District of Florida, acting upon reports by the Secretary of Agriculture, filed in the District Court of the United States for said district libels praying seizure and condemnation of twenty-four 50-pound cases and forty-seven 30-pound cases of butter, remaining in the original unbroken packages at Pensacola, Fla., alleging that the article had been shipped by the Flala Creamery Co., Robertsdale, Ala., in various consignments, on June 3, June 5, and June 10, 1929, respectively, and transported from the State of Alabama into the State of Florida, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Satsuma Brand Pure Pasteurized Butter Manufactured by Consumers Ice & Creamery Co., Foley, Ala., One Pound Net."

Adulteration of the article was alleged in substance in the libels for the reason that it was deficient in milk fat in that a product used in the composition of the said article had been substituted for butter, and in that the article contained less than 80 per cent by weight of milk fat as required by law.

Misbranding was alleged in substance for the reason that the article was labeled "Butter" and purported to be a food product equal to the standard required by the act of March 4, 1923, prescribing that butter contain 80 per cent by weight of milk fat, whereas the said article was deficient in that it did not contain 80 per cent by weight of milk fat.

On or about June 28, 1929, the Pensacola Dairy Co., Pensacola, Fla., having appeared as claimant for the property and having admitted the allegations of the libels, judgments of condemnation were entered, and it was ordered by the court that the product be released to the said claimant upon payment of